

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Application of

Application No.: 10/589,325

Examiner: Herrera, Diego D

Filed: May 04, 2007

Art Unit: 2617

Applicant: Inderpal Singh Mumick

Atty. Docket No: KIRU-0081-US

Title: Methods for Identifying Messages and  
Communicating with Users of a Multimodal  
Message Service

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. 1.132**

Examiner Herrera:

I, Steven Peter Spencer declare as follows:

1. I have a Bachelor's of Electrical Engineering from Union College, a Masters of Engineering from Cornell University and an MBA from New York University. I have over 30 years of professional experience in various positions in engineering, architecture and management positions at Bell Laboratories, Murray Hill, NJ. In the last ten years I have led several companies focused in SMS/MMS applications and all forms of multi-modal messaging. I was the CEO and CTO of Upoc Networks, New York, a leading SMS/MMS aggregation and messaging company. I am presently President of Cayuga Services, Livingston, NJ, a consulting company that focuses on mobile communications, social networking, and all forms of messaging. I have authored 6 patents and have consulted with several clients, for example, Spectrum Mobile, Los Angeles, Beezag Inc., New York, NY, Fancaster Inc, New York, Lucent Technologies, Murray Hill, NJ, Pinnacor, New York, Screaming Media, New York Critical Mention , New York, Dada, New York, UKD Networks, New York, on several dozen applications ranging from mobile messaging application, telecommunications applications, advertising and social networking.

2. I have reviewed the patent application titled "Methods for Identifying Messages and Communicating with Users of a Multimodal Message Service", application no. 10/589,325, and also the prior art patents cited in the Office Action. I have also reviewed the proposed response to the office action. This affidavit is limited to the review and comment on the novelty and non-obviousness of claims 1, 3, 4 and 10 only. The method steps recited in these claims are clearly not disclosed or suggested by the Kleindienst and Rukman references cited in the office action.
3. In my opinion, the novelty in the "Methods for Identifying Messages and Communicating with Users of a Multimodal Message Service" patent application is the method for:
  - generating an SMS message containing a link to the voice message on the multimodal platform, wherein the link when activated allows a recipient to retrieve the voice message and/or provide an outgoing message in reply to the SMS message,
  - assigning a unique message identifier to the voice message stored on the multimodal platform, wherein each said message identifier comprises a single recipient identifier combined with each of a predefined number of network identifiers for uniquely identifying each said voice message for each recipient of claim 1;
  - intercepting the outgoing message by an SMS center if the recipient is part of a defined subset of recipients, wherein the SMS center inserts a link to the multimodal platform into the intercepted message or forwards the intercepted message to the multimodal platform for modification; of claim 4; and
  - intercepting the SMS message sent to the recipient if the recipient is part of a defined subset of recipients, wherein the SMS center inserts a link into the intercepted message or forwards the intercepted message to the multimodal platform for modification; of claim 10.

With reference to claim 1, an initiating user of the multimodal SMS service creates a voice message by directly calling the multimodal platform and records a voice message. After the recording is completed, the voice message is stored on the multimodal platform, and a text SMS is generated and sent to the recipient(s) of the voice message. The text SMS message sent to the mobile device(s) of the recipient(s) notifies the recipient that a voice message has been recorded and also provides the recipient with a link which can be activated to listen to the message. As such, the **link embedded in the notification SMS message**, when activated, provides a direct voice link to the voice message stored on the multimodal platform (see applicant's PCT application # PCT/US2005/028865, paragraphs [0016] and [0017]). This direct voice link to the voice message is enabled by the message storage, identification and retrieval mechanism employed in the multimodal platform. The composition of the embedded link comprises the identification of the intended recipient and the message number of the voice message. The multimodal platform combines a recipient identifier (for identifying the recipient) with one of a predefined number of network identifiers (for identifying the message number) **for uniquely identifying** the voice message for a particular recipient (see applicant's disclosure, paragraphs [0020] through [0022] of applicant's PCT application # PCT/US2005/028865). This combination of the recipient identifier and the message number is encoded as part of the link embedded in the notification

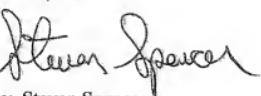
message sent to the recipient, and allows the recipient to automatically connect to the multimodal platform and listen to the voice message, without manually selecting the message.

The result of these two elements, namely, “generating an SMS message having an embedded link to the voice message stored on the multimodal platform” and “uniquely identifying each voice message stored on the multimodal platform using a combination of recipient identifier and message number” is that, if the user is provided with a link (e.g., within an SMS message) to the appropriate network pool number, the application can identify the requested message completely automatically, without any user intervention, advantageously requiring the user to simply activate (“click”) the link to access their message on their mobile device.

4. Kleindienst or Rukman do not disclose generating an SMS notification message having an embedded link that automatically connects the recipient to the voice message stored on the multimodal platform over a voice link or connection. Kleindienst or Rukman also do not disclose or suggest the combination of a recipient identifier and a network identifier (for e.g., a phone number) for the automatic message storage and identification mechanism employed by the multimodal platform to enable automatic retrieval of the voice message by the recipient.
5. Applicant’s claims 4 and 10 recite that the recipient of the multimodal SMS message can provide an outgoing SMS message in reply to the multimodal SMS message by accessing the link embedded in the SMS message. In an embodiment, all the outgoing SMS messages from a defined subset of recipients are intercepted by a special SMS center. In another embodiment, all the SMS messages sent to a defined subset of recipients are intercepted by the special SMS center. The special SMS center then either inserts the necessary links to the multimodal platform into the intercepted SMS messages, or forwards the intercepted SMS messages to the multimodal platform for modification (see applicant’s disclosure, paragraphs [0037] and [0038]). Rukman or Kleindienst do not teach or suggest a special SMS center that intercepts outgoing SMS messages from a defined subset of recipients and/or intercepts incoming messages to a defined subset of recipients for inserting the link to the multimodal platform.
6. For the reasons stated above, I can attest to the fact that even if Rukman or Kleindienst are combined as suggested in the office action, the combined teachings of the above two references will not arrive at the method in applicant’s claim 1, 3, 4 and 10!

The undersigned further declares that all statements made herein are true to the undersigned’s best knowledge and belief, and these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above referenced application or any patent issuing thereon.

Date: 1/28/11

Signature: 

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